

**Matthew McHarg**  
**<mchargmg@adelphia.net>**

01/11/03 11:13 AM

Please respond to  
Matthew McHarg

To: CWAwaters@EPA  
cc:  
Subject: Attn Docket ID No. OW-2002-0050

Dear Ms. Downing,

I am emailing you as a concerned citizen about the proposed change in the treatment of wetlands, IAW ANPRM titled Clean Water Act Regulatory Definition of "Waters of the United States". I have read the ANPRM at the EPA website: <http://www.epa.gov/owow/wetlands/ANPRM-SIGNATURE.pdf> and I want to register my opposition to your organization's planned changes.

I disagree with the conclusions put forward in your ANPRM which state that "...field staff should seek formal project-specific HQ approval prior to asserting...". Rather you should assert the Clean Water Act applies to isolated wetlands as well as navigable waters and their tributaries. This is clearly within the law. The SWANCC applied specifically to using the Migratory Bird Act to decide which wetlands could be considered under the CWA. Nothing in SWANCC calls into question whether rationales of 33 CFR 328.3(a)(3)(i)-(iii) can be used in determining whether the CWA applies to a particular wetland.

I urge you leave 33 CFR 328.3(a)(3)(i)-(iii) in the definition of what is covered by the CWA, and make that definition as broad as possible. Continued erosion of wetlands which are not part of a "navigable river" will lead to erosion of clean water, not its improvement.

Thank you for considering my opinion.

Very respectfully yours,

Geoff McHarg  
PO Box 372  
Palmer Lake CO 80133